the rejected claims, as the transport arms 43 as such are not drives in the first; rather, the single central wedge 45, to the extent it operates as a drive, operates to move the arms in common, not independently.

The foregoing should demonstrate that the Tateishi et al. document does not teach the claimed arms, as asserted in the Office Action, in addition to the acknowledged lack of a teaching with regard to the conveyors being moved independently of each other. Moreover, the space enclosed by the wall 31 as seen in Fig. 4 of Tateishi et al. is in free ambient communication, which means that there is not need whatsoever to provide any encapsulation for the wedge 45, the transport arms 43 and their associated biasing springs 47. The ends of the arms 43 are in frictional contact with the wedge 45 and if the space within the wall 31 was, for argument's sake, part of a vacuum transport chamber for workpieces to be vacuum treated, the drive with its frictional surface (i.e., the wedge 45 and the innermost ends of transport arms 43) would have to be encapsulated to provide protection to the workpieces from frictional contamination. Of course, the space within the wall 31 is not part of the chamber and there are, in fact, no encapsulated drives. What the Office Action refers to as the encapsulation (denoted by number 47) is, however, the biasing spring for the transport arms 43.

Assuming, again purely for argument's sake, that the characterization in the Office Action of what JP '727 teaches is correct, the above clarification as to what the Tateishi et al. document actually shows should demonstrate that only impermissible hindsight would allow the asserted combination of the two very different structures. The common drive wedge 45 for the transport arms 43

operating at ambient conditions is far afield from the approach in JP '727 in which the drives are provided within the vacuum chamber.

With respect to Claim 30 in particular, we would further note that the claimed subject matter is directed to at least two displacement drives with a workpiece that is displaceable towards and from said openings by one of the displacement drives operatively mounted on the transport arrangement rotation drive. The displacement drives are arranged to control closing and opening of respective ones of the at least two openings. Further, the Tateishi et al. rotation drive is formed by a combination of a motor provided with sprocket-wheels 25 and a chain 26 (Fig. 4). The transport arms 43 of Tateishi et al. are clearly not operatively mounted on a rotation drive. Nor do Tateishi et al. teach at least two displacement drives; instead, one central displacement drive, namely, the centrally-mounted wedge 45 (Fig. 3), is taught. Further, Claim 30 defines a vacuum chamber with at least two openings within which chamber the workpiece transport arrangements, etc., are provided. Hindsight aside, the hypothetical structure of Tateishi et al. and JP '747 does not correspond to that of Claim 30.

But impermissible hindsight cannot be put aside. Nor, with the highly questionable combination of Tateishi et al. and JP '747, can the U.S. Patent and Trademark Office base the rejection of claims under § 103 with the dubious claim of "official notice." As recently made clear by the Federal Circuit in In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2001), reasoned findings are critical to the performance of the Office's function. A § 103 rejection must be based on objective evidence of record. Rigorous application of this requirement is essential as "the best defense

against the subtle but powerful attraction of a hindsight-based obviousness analysis." In this case, the Office Action has not adhered to this requirement and has also made erroneous findings as to the teachings of Tateishi et al. Under these circumstances, the § 103 rejection cannot stand.

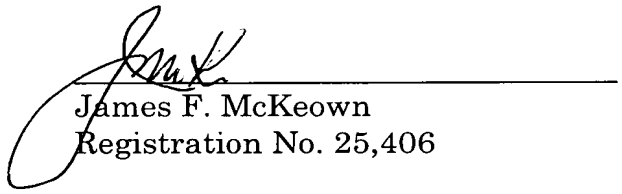
Reconsideration is requested. An executed copy of the attached Third Supplemental Declaration will be submitted in due course.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #622/40901CO).

Respectfully submitted,

May 9, 2002



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VERSION WITHOUT MARKINGS

Amend Claim 30 as follows:

30. (Three times amended) A vacuum chamber with at least two openings therein and a workpiece transport arrangement with which at least one workpiece within the chamber is selectively brought into a position adjacent to one of said openings, whereby the transport arrangement is provided within the chamber rotatably around a rotational axis and carries at least two members for holding a workpiece each, a rotation drive is provided to rotate said workpiece transport arrangement, and at least two displacement drives are provided for displacing said at least one workpiece each with respect to said transport arrangement whereby said members are selectively brought into a position aligned with one of said openings by rotation of said transport arrangement and from such position a workpiece is displaceable towards and from said opening by one of said displacement drives, and said member and said displacement drives are operatively mounted on said transport arrangement rotation drive, said displacement drive being arranged to control closing and opening of respective ones of said at least two openings.

Amend Claim 31 as follows:

31. (Twice amended) A vacuum chamber with at least two openings and a workpiece transport arrangement with which at least one workpiece within the chamber is selectively brought into a position

adjacent to one of said openings, whereby the transport arrangement is provided within the chamber rotatably around a rotational axis and carries at least two members for holding a workpiece each, a rotation drive is provided to rotate said workpiece transport arrangement, and at least two displacement drives are provided for displacing said at least one workpiece each with respect to said transport arrangement whereby said members are selectively brought into a position aligned with one of said openings by rotation of said transport arrangement and from such position a workpiece is displaceable towards and from said opening by one of said displacement drives in a direction with a radial component relative to said rotational axis, and said displacement drives are operable independently of each other so as to control closing and opening of said opening.

Add the following claims:

58. (New) The apparatus of claim 1, wherein said closing is a sealing closing.

59. (New) The apparatus of claim 1, wherein, for processing at least one disk-shaped workpiece, said conveyors are configured to hold at least one of said workpieces with a predetermined positioning of a disk plane thereof, and said drive shaft arranged to move said conveyors in a direction which is non-parallel to said disk plane.

60. (New) The apparatus of claim 59, wherein said direction is perpendicular to said disk plane.

61. (New) The chamber of claim 16, wherein said closing is a sealing closing.

62. (New) The chamber of claim 16, wherein, for processing at least one disk-shaped workpiece, said conveyors are configured to hold at least one of said workpieces with a predetermined positioning of a disk plane thereof, and said drive shaft arranged to move said conveyors in a direction which is non-parallel to said disk plane.

63. (New) The chamber of claim 62, wherein said direction is perpendicular to said disk plane.

64. (New) The chamber of claim 30, wherein said members are arranged to perform the closing.

65. (New) The chamber of claim 30, wherein the closing is a sealing closing.

66. (New) The chamber of claim 30, wherein, for processing at least one disk-shaped workpiece, said members are configured to hold at least one of said workpieces with a predetermined positioning of a disk plane thereof, and said at least one disk-shaped workpiece is arranged to be displaceable by said displacement drive in a direction which is non-parallel to said disk plane.

67. (New) The chamber of claim 66, wherein said direction is perpendicular to said disk plane.

68. (New) The chamber of claim 31, wherein the closing is a sealing closing.

69. (New) The chamber of claim 31, wherein, for processing at

least one disk-shaped workpiece, wherein said members are configured to hold said at least one workpiece with a predetermined positioning of a disk plane thereof, and said at least one disk-shaped workpiece is arranged to be displaced in a direction which is non-parallel to said disk plane.

70. (New) The chamber of claim 69, wherein said direction is perpendicular to said disk plane.

71. (New) The chamber of claim 32, wherein the closing is a sealing closing.

72. (New) The chamber of claim 32, wherein said at least one workpiece is a disk-shaped workpiece, and said at least one linear drive has a direction which is non-parallel to a plane of said disk-shaped workpiece.

73. (New) The chamber of claim 72, wherein the direction is perpendicular to said plane.

74. (New) The chamber of claim 32, wherein said at least one linear drive is encapsulated within said chamber.

75. (New) The chamber of claim 33, wherein the closing is a sealing closing.

76. (New) The chamber of claim 33, wherein said displacement drive is a linear drive.

77. (New) The chamber of claim 33, wherein, for processing at least one disk-shaped workpiece, said member is configured to hold at least one of said workpieces with a predetermined positioning of a disk plane thereof, and said at least one disk-shaped workpiece is arranged to

be displaceable by said displacement drive in a direction which is non-parallel to said disk plane.

78. (New) The chamber of claim 77, herein said offset direction is perpendicular to said disk plane.

79. (New) The method of claim 34, wherein the controlled closing is a sealing closing.

80. (New) The method of claim 34, wherein the closing and opening is performed by the conveyors.

81. (New) The method of claim 34, wherein the moving of the conveyors is in a linear direction.

82. (New) The method of claim 34, wherein the moving of the conveyors is effected, for processing at least one disk-shaped workpiece, in a direction which is non-parallel to said disc-shaped workpiece.

83. (New) The method of claim 82, wherein said direction is perpendicular to the plane.